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Mr. McHenry

SUMMARY RECORD OF REVIEW PLENARY SESSION - TUESDAY 16 DECEMBER 1997 (1755)

S.H.
Mr. Hoyle
19. 1. 98

Those present:

~~SS~~

INDEPENDENT CHAIRMEN

GOVERNMENT TEAMS

PARTIES

Senator Mitchell
General de Chastelain

British Government
Irish Government

Alliance
Labour
Northern Ireland Women's Coalition
Progressive Unionist Party
Sinn Féin
Social Democratic & Labour Party
Ulster Democratic Party
Ulster Unionist Party

1. The Chairman convened the meeting at 17.55. He said that on 2 December, the Plenary had authorised the establishment of a sub group, comprising 2 delegates from each participating group, charged with presenting an agreed statement of the key issues to be resolved and an agreed format for resolving those issues.

2. The Chairman said the sub group was also directed to report back to the Plenary this week. The Chairman said the sub group met on 3 December and on several subsequent occasions including late into the afternoon today. He said that the sub group had been unable to reach agreement on either element of its remit. The Chairman said the sub group therefore wished to recommend to Plenary that the Talks process resume on 12 January with the following schedule of business:- Business Committee on Monday

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12 January at 10.00, Strand One meeting on Monday 12 January at 14.00, Strand 2 meeting on Tuesday 13 January at 10.30, Liaison Sub-committee on Confidence Building Measures on Tuesday 13 January at 15.00 and the Liaison Sub-committee on Decommissioning on Wednesday 14 January at 10.00. The Chairman said this completed his report and asked whether there were any objections to the schedule recommended by the sub group. Hearing none, the Chairman said that when this meeting adjourned the process would resume on 12 January in the format just outlined.

3. The UUP said it wished to raise an issue connected to the last meeting of the Business Committee on 8 December. The party said there appeared to be a misunderstanding of its position from the draft record of the meeting in relation to the issue of visiting London and Dublin in the new year. The UUP said that while it accepted that the visits had been approved in principle by the Business Committee, it had not agreed the dates and, inter alia, had asked for further consultation and liaison with the Governments on the matter as a whole. The party said the timing of such visits was the important issue. The process was presently in difficulties yet a visit to London was being considered only 2 weeks after talks resumed in January. The UUP said it believed such visits were quite inappropriate and there was nothing to be achieved by moving everyone to another location at that time.

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4. The UUP continued saying that visits to London and Dublin could be more appropriate if significant progress had been made but there was no point in moving location until this situation had been reached. The party said it had no objection, in principle, with the proposal for meetings to be held in other locations but now was not the time to do it. The party said it had not agreed to this at the 8 December Business Committee and it therefore wished the Committee to look at the issue again.

5. Sinn Féin said it had been present at the same Business Committee meeting. It recalled that the only UUP objection at the time related to the costs of moving everyone to the other locations. No other objection was stated at the meeting. The party referred to the Rules of Procedure and said everyone was duly bound by those to go to London and Dublin. Sinn Féin said it had no difficulties going to London. The rules were there and had been agreed before the party had come in to the process. What was even more important, however, in its view was that in the context of the totality of relationships, the process visited Dublin.

6. Sinn Féin said it was time for the UUP to make up its mind on this issue. There was no point in having a Business Committee if people were going to come to the Plenary and try to have decisions in other meetings changed. The party

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said the UUP was presenting more evidence of its semi-detached position; there had been no agreement in the sub group on key issues or the format for dealing with them and the UUP had blocked any attempt to get any inclusive type of paper produced. Sinn Féin said people had to realise that if agreement was to be reached there couldn't be an exclusively nationalist or unionist agenda. The party said that some still appeared to hold the view that certain issues could be excluded from the process. It understood some of the issues and anxieties connected to London and Dublin visits but the key issue was to achieve a democratic peace settlement which could be owned by the people. The starting point for this was now and in this building.

7. Sinn Féin said it saw a UUP veto being exercised on this issue and it hoped the Governments would make up their minds on what to do about it. The party said it hoped that visits to London and Dublin wouldn't be set aside for some small short term political advantage. Referring to the issue of confidentiality and the Chairman's comments at the establishment of the sub group, Sinn Féin said it was sure the media outside could already tell the participants what was being discussed now. Such activity on the part of some didn't augur well for the process. The party said it hoped there would be more political will in evidence when the process resumed. Despite the fact that there were some positive points arising out of the last 2 weeks there was no

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point in continuous delay. The UUP had constantly been saying wait until after the party conferences, wait until after something else and now the process was being asked to wait again. The time for waiting was over. Returning to the issue of confidentiality, the party said it had not given any comment to the media on what had been happening in the process. Could the UUP now give a commitment that their briefing of the media would cease? The Chairman asked Sinn Féin whether it was formally questioning the UUP. The party said it was so the Chairman asked the UUP whether it wished to respond. The UUP said it didn't.

8. The NIWC said the Business Committee did agree dates for visits to London and Dublin. The party said there had been an issue over the amount of "consultation" between the Governments and the parties about the dates but this was resolved. The NIWC said the dates had given both it and the UDP some problems but both had said they would attempt to rearrange their schedules accordingly. The party said that in fairness to those producing the draft record, the Business Committee had approved the dates supplied by both Governments.

9. The UUP said it had acknowledged at the Business Committee that rules were in place permitting meetings to be held in London and Dublin. The party had, however, also raised a number of issues which had yet to be resolved. It

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had expressed concern regarding the purely symbolic reason for the visits. It had made the point that trailing the process around in the current circumstances would leave its credibility at low level. The UUP said that it had to ~~be~~ told the Chairman of the Business Committee at the conclusion of discussion of the item that it had not agreed with the dates for the visits. The party had also been promised consultation and liaison in relation to further aspects of planning etc. However the main reason for raising the matter at the Plenary was that joining instructions had been issued that morning without any consultation whatsoever. The UUP said it wanted the Business Committee to deal with the matter again. Was it really wise to go to such locations in the absence of progress and risk ridicule from the community? The party said the principle of visits was fine; it was in the rules. But the matter needed to be raised again since the joining instructions had now been issued.

10. Alliance expressed surprise at the UUP's interpretation of the dates issue. Its recollection was the same as other participants who had spoken rather than the UUP's version. Alliance said the dates had been agreed and it specifically recalled debating with the UDP at the meeting the latter's potential difficulties regarding attendance on normal "talks days". The party said it sincerely hoped the UUP were not suggesting that the notetakers and the rest of the

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participants were mistaken in their assessment of the outcome of the matter on that day.

11. The UUP said it was in no doubt that other participants on the Business Committee agreed the dates. But it had not agreed them and this had been conveyed to the Chairman at the conclusion of the discussion on that item. The SDLP referred to Alliance's surprise at the UUP interpretation and said it was not surprised. It was, however, fairly clear that the dates had been agreed though scepticism had also been expressed in relation to the process having some substantial business to handle first before going on such visits. The SDLP recalled comments expressed about the logistical difficulties as well as some individual party problems with specific dates etc. The party said it also recalled the UUP's concerns over finance and the credibility issue; a point which it had also picked up. The SDLP said it had said it was important to use the time between the Business Committee meeting on 8 December and the visit dates to have a good programme of business thereby flagging up the possible need for another Business Committee meeting pre Christmas. The party said there were also issues to be resolved in connection with the London end; there were problems with the Chairman's schedule on one of the days and a discussion had ensued on this point and the possibility of scheduling other meetings in to ensure a full programme.

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12. Notwithstanding all this, the SDLP said it was not surprising to hear cautionary statements made at that time being revisited now. The fact of the matter was that it had also expressed reservations in the past about various aspects of the process but had still got on with the task in hand. The party said that the issue of dates couldn't be revisited otherwise the process would get nowhere. The SDLP, in conclusion said it acknowledged some of the points made by the UUP. However it thought that the UUP had said it wasn't disagreeing with the dates.

13. Sinn Féin asked whether it was a question of the UUP representative on the Business Committee agreeing with the dates but the party leader not agreeing. The party said it recalled Mr Hume and Mr Empey being televised live and both saying that it would be clear by Christmas whether there were serious negotiations beginning. However the UUP had raised objections to the key issues and the format and was now questioning decisions by the Business Committee. Sinn Féin recalled the Chairman's comments on confidentiality when the sub group had been established and in particular his statement that if parties could not keep confidentiality there was little hope for serious negotiating. The party said everyone needed to reflect on this point over the Christmas break. Everyone also had to reflect on whether it was a matter of trying to seek agreement or carrying on the war by another means. Sinn Féin strongly appealed to the

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UUP to come more positively to the process. It was depressing that the party (the UUP) was asserting itself in such a negative way. Sinn Féin said the UUP's consistent view that the process "was not going to make progress" was something which needed to be revisited.

14. The Chairman of the Business Committee said the draft record from 8 December was not yet approved. Any disagreement with the record could as normal be expressed at the next meeting. He said he understood that the UUP's anxiety was generated by the arrival of the joining instructions and not the record of the meeting. The Chairman of the Business Committee said that while it had been anticipated that another Business Committee could take place on 17 December, the likelihood of the Review Plenary proposing a business schedule for the new year, thereby making a pre Christmas Business Committee redundant, had resulted in the UUP raising the issue now. It was, however, quite clear that the draft record had not been approved.

15. The PUP said it had been a bad day already and this looked like the straw which would break the camel's back. The party said it had put a marker down at the morning sub group meeting about those who appeared willing to leave others out of the loop. Now it seemed that the UUP had told the Chairman of the Business Committee, as an aside, that the party didn't agree with the London and Dublin dates.

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The party said it concurred with the draft record of that meeting. The PUP said it would also have to review its future position in the talks if further attempts were made to leave it out of any loops. The party said it had done its best in trying to move the process along but it wasn't going to be dragged along.

16. The UUP thanked the Chairman of the Business Committee for his explanation. It repeated that it didn't disagree with the principle of visits. The party had raised the issue now since there was no other opportunity to do so before the Christmas break. The UUP said it was concerned about the draft record insofar as joining instructions had been issued before any "consultation" had taken place. The Business Committee would, however, deal with the matter at its next meeting.

17. The SDLP said it wished to make a few observations. It said it had been involved with various talks processes over a long time and none had been successful. Against this backdrop the party said it had never seen such a growth of resentment, suspicion and poison in the current process over the last few weeks. The SDLP said it had expected robust views to be expressed and robust debate to occur. It also expected there to be good days and bad days. The biggest problem, however, was the growth of the poison which was doing untold damage to relationships throughout the entire

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process. The SDLP said there were many factors underpinning this position and everyone knew what they were. Some things could have been avoided but were not and this had acted as a funnel for the type of souring of relationships previously mentioned. An example of this had been the apparent continuous breaking of the Chairman's advice on confidentiality. The party said this would do more damage if it continued.

18. The SDLP pointed out that it had not been favourably disposed towards the establishment of the Plenary sub group. However it had agreed to work it and had tried everything in attempts to gain agreement on its 2 remits. The party said it was glad it had tried everything so when a situation such as the present one developed, one could look objectively at one's own position to ensure that everything had been tried and one was satisfied that this had been the case. The party said it didn't wish to apportion blame for the present situation. Everyone had agreed to come back in January. But it was important to deal with those soured relationships on return. For this reason the party said it would abide by confidentiality and therefore not add to the sourness of relationships at this time.

19. The SDLP said there was a choice. Either there was the concept of deriving written statements of agreement from debates or one could try to start with lead papers towards

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agreement. The party said the latter mightn't produce results but it doubted whether the current format would produce agreement. The party said it believed the production of lead papers should be progressed through the Chairman's office and such a mechanism might provide a better assessment of whether agreement was possible. On the proposed trips to London and Dublin, the SDLP said it was wrong to fanfare these visits. This would be counterproductive since there was nothing else to fanfare at present. It had to be avoided. The SDLP said it regretted where the process was at present. It was a case of starting again on 12 January and in the interim, the party hoped that everyone would give a good deal of thought to its earlier suggestion as a means of focusing discussion and deliberation in the new year.

20. Alliance concurred with the SDLP's comments regarding the souring of relationships and the issue of confidentiality. The party said there was a danger that the despondency surrounding the current position could be difficult to overcome. On a more positive note, Alliance said that reflecting on the 2 weeks of sub group meetings it believed everyone had made an error of judgement in moving away from the Chairman's original paper. The party said the delegates should have looked for agreement using this source as opposed to drafting individual papers. Alliance said it therefore supported the SDLP proposal. The party said that

when everyone returned in the new year and issues were looked at in the strand format, a master document could be produced by the Chair and stuck with until agreement was reached. Alliance said individual documents rarely lead to a resolution of the problem. The party added that when a resumption occurred in January, it was important for everyone not to lose sight of the fact that the Chairman remained chairman of the process as a whole. Such thinking was necessary if progress was to be made. Finally, Alliance stated that it believed the SDLP's general assessment to be wise; its proposition was also prudent and helpful and the party supported it.

21. The NIWC said there had been difficulties inside and outside the building over the last few weeks. It seemed that Northern Ireland had gone backwards in that period and agreement couldn't even be achieved on the streets. The party said Gerry Devlin's death the previous weekend was a reminder of the task that faced everyone in the process. People needed to focus on that process remaining intact. The NIWC said it believed there had been a breach of faith on the part of some in relation to the Chairman's remarks on confidentiality. Acting in this manner only put up the ante and gave comfort to the enemies of the process. The party said at the time of the sub group's formation that the Chairman's paper had been a draft and that participants had then to do some work on it themselves. The NIWC commended

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those who had tried and had produced substantive papers on key issues and on the format. The SDLP had done this but the UUP had reiterated time and again that if 2 parties got together then it could all be sorted out.

22. The NIWC said either the process was multi party or not. The process was not about the views of one party; it was about accommodating the views of one another. The party said, however, that the main point was that despite this, everyone was still together and all would come back and work through this position. The NIWC acknowledged that it would be difficult for the community to relate to the current position. Its hopes had been given a lift in the past few weeks, at a time of year when peace and goodwill were in strong focus. The party said the present position would be disappointing for the community but the work had to go on. That was its commitment for 1998 and it wished season's greetings to the Chairmen and staff and thanked them for all their hard work and patience.

23. The PUP said it thought when the Chairman had read out the recommendations of the sub group that would be the end of the Plenary. The party said the proceedings could have finished an hour ago and all around the table would have been better for this. The PUP said, however, that it didn't agree that the last 2 weeks had been lost. It didn't believe the formula of the sub group had been a failure

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either. Clearly there had been no overall agreement but the process itself was not a failure. The PUP said that when the Chairman's paper first appeared there were 9 out of ten parties in agreement with it. Sinn Féin was not in agreement but rather than produce individual papers the party said it might have been better to try and persuade Sinn Féin to come round to the others' thinking.

24. The PUP said it didn't consider that the production of individual papers had done any harm. Everyone now knew each other's position so now it was a case of lifting ourselves up and becoming even more determined to rid Northern Ireland, once and for all, of death and street disturbances. The PUP said that much could have been achieved in its electoral areas in relation to job creation; instead the £5 million was to be spent to repair damage in Londonderry following civil disturbances. The party said the press should be told that everyone was still here and that there had been agreement to return in January. The party said it didn't believe it was beyond the imagination for the process to reach agreement. There were many examples around the world where conflict situations had been resolved through agreement. It was surely not beyond the delegates in this process to reach agreement. The PUP wished season's greetings to all.

25. Sinn Féin said that in spite of all the apparent positiveness being articulated, there was an air of despondency around from many people in the sub group. The party said it believed that the SDLP, NIWC and PUP had struck the right note and that all had to do what the SDLP had called for ie come back in January rededicated to moving the process on. The party said that the key people in trying to achieve this were the Chairman and his colleagues. Sinn Féin said it had great respect for their efforts and integrity; they were a shining example to everyone. The party said it was quite confident that everyone would come back rejuvenated in January and push the process on and this was even more likely if the Chairman and his colleagues were as fully involved as possible.

26. Sinn Féin stated, however, that all had to face up to the present difficulties in terms of the poison in the room. There had been articles printed in the Sunday newspapers about Sinn Féin members. This material was totally untrue and was a bad example of trying to build up trust. The party asked what chance did the process have if press articles such as this were produced? Sinn Féin said it believed people had the right to think that confidentiality would be respected but when it wasn't this only made things more difficult. The party said it was time to forget about using the process as a contest and a point scoring exercise. A spirit of helping each other out had to be developed. The

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party said it wanted to help the UUP; but did the UUP want to help Sinn Féin?

27. Taking this point further, Sinn Féin referred to the UUP's position of not talking to it. The party asked what sort of message did this send to its constituents; no respect for Sinn Féin or for its voters. The party said there were those who had asked why were there riots in Derry. The answer was simple; the RUC had no respect for the people there. The party said one could talk about formats and issues forever but unless there was a spirit of willingness to work together and respect for each other, the process was going nowhere. Sinn Féin said interaction between the UUP leader and it was a crucial element for the process. Such a meeting was not a victory or defeat for either side but rather it would bring hope to the community instead of despondency. The party said there were bound to be people in the UUP who realised this nettle had to be grasped now. Linked to this was the fact that everyone in the process had to understand the price of failure to agree. Future generations would forgive no one if this occurred. It was therefore important to rid the process of the current poison which came from people not talking with others and not respecting each other and move on before everyone was in big trouble. Sinn Féin said it hoped the Chairman and his colleagues and everyone else would come back in January rejuvenated. The message today was that the participants

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were not giving up and the process was far from finished. That was the best message to send to the community at this time. With that the party wished everyone a merry Christmas and happy new year. The SDLP also wished the Chairman and everyone else a merry Christmas and happy new year.

28. Sinn Féin said some of its members had been outside the recent format and viewing developments from this position. It was therefore somewhat disheartening to listen to the current state of play as described by the Chairman. This new format had been hyped up for 2 weeks but hopes were now dashed. The signal of non agreement in the sub group meant that the communities couldn't reach agreement. The party said it wished to appeal to those around the table to stop using their blocking tactics. Perhaps agreement could be reached if such tactics ceased since both communities wanted agreement. This might send them a better signal than what the present situation was telling them.

29. The UUP referred to earlier comments from the SDLP about its experience of previous negotiations. The party said it also had experience of these going back as far as 1975. The UUP said of course there would be times when things became difficult but one had to recognise these and ensure that the analogy of continuing to dig a hole while being in it was avoided. The party said everyone would be back in January to see whether progress could be made. In thinking ahead to

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then, the party said it hoped that the process would move on from general issues to specifics. It then wished everyone a merry Christmas and a happy new year.

30. The Irish Government thanked the Chairman and his staff for their exceptional and dedicated work over the last number of months. This was deeply appreciated. It said it believed that the difficulties could be overcome. Everyone was still together and still in the same room. The Irish Government said in conclusion that it would return, more determined than ever, to seek agreement. There were some 10 -12 weeks to May and perhaps a definitive and historic moment. The Irish Government said it hoped that all could use that determination to reach agreement at that time. It then offered everyone the greetings of the season.

31. The Chairman said he wished to offer a few concluding remarks. He said he wished to remind everyone that this was the fifth and final time that the process would be taking a break. The Chairman said a lot of disappointment had been felt and expressed and there had also been a sense of frustration. It had to be remembered, however, that the participants aspirations increased as each succeeding phase of the negotiations went ahead. The Chairman recalled the feelings of the participants after 7 weeks debating the Rules of Procedure. Who then would have given a realistic chance that the process could reach agreement on substantive

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issues? The Chairman said it was worth keeping all these issues in perspective. The sub group failure was regrettable. The high hopes of 2 weeks ago were unrealistic. But a lot had been learned in those 2 weeks and there had been plenty of discussion and plenty of common ground. The Chairman said the fact that there was an inability to reach agreement was all that it was. The process would now break for the last time and everyone had to keep in mind not just how far all had come but also to reflect on what was about to be done in January.

32. The Chairman said each person present had a large stake in the process but the people in both communities had an even larger stake. Each delegate had to ensure that they didn't sell themselves short. There was always a conflict in political life between following the narrow constituency view and obligations to the wider society. Every politician faced this and the politicians and people of Northern Ireland faced a most difficult situation with many placing their personal safety on the line in taking forward the search for a settlement. The process thus far was a testament to their perseverance and commitment. The Chairman said he believed all were serious about dealing with the issues and being committed to progress. The test for this would come in January. There were no more breaks, there could be no more delays or reasons for delays. The Chairman said crucial decisions would have to be made in the

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next session. The fate of the Northern Ireland people was in the delegate's hands. The Chairman said he didn't believe anyone would fail to meet their responsibilities in this regard. The alternative was simply unthinkable for everyone. The Chairman said Christmas was the season of goodwill despite the last 2 weeks. It could be an even greater season next year if all could do what generations before had not been able to do to bring peace, political stability and reconciliation to Northern Ireland's society. The Chairman thanked everyone for their good wishes. He said the chairmen would do everything they could to help, but that ultimately the decisions were those of the participants. All ought to reflect on the enormous responsibility each one had to reach a satisfactory conclusion. With these comments, the Chairman adjourned the meeting at 1912.

Independent Chairmen Notetakers
5 January 1998

S/S Gallagher, Joint
~~Secretary~~, Ambassadors
London, Washington,
Counsellors Anglo Irish
Division. TALKS UNIT.
MESSRS TEAHON, DALTON,
MANSEGH, MURRAY